

PATENT COOPERATION TREATY

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DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference ZS 6341PCT	IMPORTANT DECLARATION	Date of mailing(day/month/year) 24/05/2005
International application No. PCT/EP2005/001826	International filing date(day/month/year) 22/02/2005	(Earliest) Priority date(day/month/year) 25/02/2004
International Patent Classification (IPC) or both national classification and IPC G02B7/02, G03F7/20		
Applicant CARL ZEISS SMT AG		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:


☐ the description
 ☒ the claims
 ☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.

☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Adolf Geier
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

A meaningful search is not possible because claim 1 is unclear and lacks support (Article 84 EPC):

Clarity :

- The Syntax is not correct as there is no verb in the main sentence. It is not clear to which item the word "wherein" in line 6 of claims 1 refers.
- It is not clear which parts are included in the scope of protection: the wording "for connection to a supporting structure being provided on structural elements" does not unambiguously include these parts.
- The function and geometry of the following parts is not (or insufficiently) defined: attachment locations, connecting parts, supporting structure, structural elements, supporting elements, mounting flanges. As a consequence it is totally unclear which forces act on which parts and how the desired result (supporting forces are taken up by pressure and shear forces) is achieved.

Support:

The description describes two embodiments of figures 4 and 5 with well defined parts /geometry / function. Claim 1 tries to generalize these embodiments to a very unclear agglomeration of the abovementioned six elements. There is no technical support for such a generalisation in the description, therefore the wording of the claim is not commensurate with the inventor's contribution to the state of the art.

The formulation of the problem of the invention (p.2, par.3) is vague and does not help to interpret claim 1. A search directed to any specific assembly is not considered to be meaningful as it would be very incomplete and would result in serious problems in the later procedure.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.